

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 In re VALVE ANTITRUST  
11 LITIGATION

12 CASE NO. MC24-0016-JCC

13 ORDER

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15 This matter comes before the Court on Valve Corporation and Riot Games, Inc.'s joint  
16 submission<sup>1</sup> regarding Riot's compliance with Valve's subpoena *duces tecum* (Dkt. No. 1).  
17 According to their submission, Valve asks the Court to compel Riot's production. (*Id.*) Valve  
18 seeks, amongst other things, documents establishing Riot's game sales from January 1, 2003, to  
19 present. (*See generally* Dkt. No. 1-2.) Valve contends it needs this information to defend against  
20 a putative antitrust class action in this District, where Valve is alleged to charge  
21 supracompetitive rates in the P.C. game market. (*See generally id.*) (citing *In re Valve Antitrust*  
22 *Litigation*, Case No. C21-0563-JCC, Dkt. No. 1 (W.D. Wash. 2021)).

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25 <sup>1</sup> The submission, which Valve and Riot made to the Central District of California  
26 pursuant to its Local Rule 37-2, is ostensibly a Rule 37(a)(1) motion, where Valve seeks to  
compel Riot's production. The submission was transferred to this District pursuant to Federal  
Rule of Civil Procedure 45(f). (*See* Dkt. No. 22.)

1       But as Riot rightly points out, Valve’s request for this Court’s involvement is untimely.  
 2 (*See* Dkt. No. 1 at 19–26). Valve served its subpoena to Riot on January 18, 2023, and Riot  
 3 lodged its objections February 1, 2023. (*See* Dkt. No. 1 at 19.) At the time, the cut-off for all fact  
 4 discovery, including third-party discovery, was October 31, 2023. *See Valve Antitrust Litigation*,  
 5 Case No. C21-0563-JCC, Dkt. No. 8. The Court later extended this to November 30, 2023. *See*  
 6 *id.* Dkt. No. 130. Nevertheless, Valve waited until December 1, 2023, before seeking a court’s  
 7 involvement in its discovery dispute with Riot. (*See* Dkt. No. 1-22 at 3) (referencing C.D. of Cal.  
 8 Local Rules 37-2.1–2.4.)

9           Valve contends that an extension of the deadline to take certain depositions also extended  
 10 the fact discovery cut-off. (*See* Dkt. No. 1 at 5 n.2) (citing *Valve Antitrust Litigation*, Case No.  
 11 C21-0563-JCC, Dkt. No. 172). In the stipulation at issue, the parties “request[ed] that the Court  
 12 enter [an order] extending the *deadline to complete depositions of fact witnesses as stipulated*.  
 13 *Valve Antitrust Litigation*, Case No. C21-0563-JCC, Dkt. No. 172 at 3 (emphasis added). While  
 14 they also stipulated to nonparty “productions after November 30, 2023,” the parties did not ask  
 15 the Court to enter an order endorsing this change. *Id.* So it did not. And according to this  
 16 District’s local rules, a motion to compel must be served “on or before the discovery deadline.”  
 17 LCR 16(b)(3).<sup>2</sup> Therefore, Valve’s submission is indeed untimely.

18           For this reason, the Court declines to reach the merits of Valve’s request. *See Zouaoui v.*  
 19 *Gonzales*, 133 Fed. App’x 401, 403 (9th Cir. 2005) (declining to consider untimely motion); *see*  
 20 *also State Farm Fire and Cas. Co. v. Lang*, 2022 WL 18584199, slip op. at 2 (D.S.C. 2022)  
 21 (declining to consider untimely motion to compel).

22           The Clerk is DIRECTED to close this case.

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26           <sup>2</sup> This comports with the local rules in the Central District of California, where this  
 dispute arose. *See* C.D. Cal. Local Rule 7-12.

1 DATED this 27th day of March 2024.  
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John C. Coughenour

UNITED STATES DISTRICT JUDGE